

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN WALKER, JR.,

Plaintiff,

-against-

THE CITY OF BUFFALO; THE COUNTY OF ERIE;
MICHAEL G. GUADAGNO; JOHN MONTONDO;
LINDA J. FIAL AS EXECUTOR FOR THE ESTATE OF
ROBERT GRABOWSKI; AND MARTIN BULLOCK AS
EXECUTOR FOR THE ESTATE OF JAMES E. HUNTER,
JENNIFER G. FLANNERY AS ADMINISTRATOR FOR
THE ESTATE OF ROBERT F. ARNET, JENNIFER G.
FLANNERY AS ADMINISTRATOR FOR THE ESTATE
OF FRANK C. DEUBELL, JENNIFER FLANNERY AS
ADMINISTRATOR FOR THE ESTATE OF LEO J.
DONOVAN, JENNIFER G. FLANNERY AS
ADMINISTRATOR FOR THE ESTATE OF FRANCIS M.
MANISTA, JR., AND DAWN M. DIRIENZO AS
EXECUTOR FOR THE ESTATE OF PAUL R. DELANO

Defendants.

**ANSWER TO FIRST
AMENDED
COMPLAINT WITH
CROSS-CLAIM**

Civil Action No.:
1:22-cv-520

The Defendant, COUNTY OF ERIE (hereinafter, the “County” or “Defendant”), answers the First Amended Complaint of the Plaintiff as follows:

GENERAL DENIAL

Except as otherwise expressly admitted herein, the County denies each and every allegation contained in the Complaint and specifically denies any liability to Plaintiff. The County expressly reserves the right to seek to amend and/or supplement its Answer as may be necessary. The County hereby:

1. The County of Erie admits this is a civil action, DENIES the rest of the allegations.
2. The County of Erie admits this is a civil action, DENIES the rest of the allegations.

3. The County of Erie DENIES the allegations in paragraph 3.

4. The County of Erie DENIES the allegations in paragraph 4.

5. The County of Erie DENIES the allegations in paragraph 5.

6. The County of Erie DENIES the allegations in paragraph 6.

7. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 7 and therefore DENIES the allegation.

8. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 8 and therefore DENIES the allegation.

9. The County of Erie DENIES the allegations in paragraph 9.

10. The County of Erie DENIES the allegations in paragraph 10.

11. The County of Erie lacks knowledge or information with respect to the purpose of this action and therefore DENIES the allegation in paragraph 11.

12. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 12 and therefore DENIES the allegation.

13. Paragraph 13 does not require a response as the allegations do not relate to the County. To the extent that a response is necessary, County DENIES any allegations or legal conclusions.

14. The County of Erie admits that it is a municipality organized and existing under the laws of the State of New York and DENIES the remaining allegations in paragraph 14.

15. Paragraph 15 does not require a response as the allegations do not relate to the County. To the extent that a response is necessary, County DENIES any legal conclusions.

16. Paragraph 16 does not require a response as the allegations do not relate to the County. To the extent that a response is necessary, County DENIES any legal conclusions.

17. Paragraph 17 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

18. Paragraph 18 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

19. Paragraph 19 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

20. Paragraph 20 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

21. Paragraph 21 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

22. Paragraph 22 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

23. Paragraph 23 does not require a response as the allegations do not relate to the County.

To the extent that a response is necessary, County DENIES any legal conclusions.

24. The County of Erie ADMITS the allegations in paragraph 24.

25. The County of Erie ADMITS the allegations in paragraph 25.

26. The County of Erie ADMITS the allegations in paragraph 26.

27. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 27.

28. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 28 and therefore DENIES the allegation.

29. Paragraph 29 does not require a response as it contains no factual allegations to which the County can respond.

30. ADMITS that William Crawford was murdered at the approximate date and time

alleged in paragraph 30, but DENIES the remainder of the allegations, including but not limited to any characterizations, or conclusions, legal or otherwise.

31. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 31 and therefore DENIES the allegation.

32. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 32 and therefore DENIES the allegation.

33. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 33 and therefore DENIES the allegation.

34. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 34 and therefore DENIES the allegation.

35. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 35 and therefore DENIES the allegation.

36. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 36 and therefore DENIES the allegation.

37. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 37 and therefore DENIES the allegation.

38. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 38 and therefore DENIES the allegation.

39. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 39 and therefore DENIES the allegation.

40. The County of Erie ADMITS upon information and belief the allegations in paragraph 40.

41. The County of Erie ADMITS upon information and belief the allegations in paragraph

41.

42. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 42 and therefore DENIES the allegation.

43. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 43 and therefore DENIES the allegation.

44. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 44 and therefore DENIES the allegation.

45. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 45 and therefore DENIES the allegation.

46. The County of Erie states that reports and/or statements created by the Buffalo Police Department speak for themselves; to the extent a response is required, the County of Erie DENIES any characterizations or conclusions – legal or otherwise- contained in paragraph 46.

47. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 47 and therefore DENIES the allegation.

48. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 48 and therefore DENIES the allegation.

49. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 49 and therefore DENIES the allegation.

50. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 50 and therefore DENIES the allegation.

51. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 51 and therefore DENIES the allegation.

52. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 52.

53. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 53 and therefore DENIES the allegation.

54. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 54 and therefore DENIES the allegation.

55. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 55 and therefore DENIES the allegation.

56. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 56 and therefore DENIES the allegation.

57. ADMITS photos of the scene were taken, but DENIES knowledge or information sufficient to admit or deny the remaining allegations.

58. The photographs speak for themselves, but the County of Erie DENIES any characterization or conclusion as to the allegations in paragraph 58.

59. The photographs speak for themselves, but the County of Erie DENIES any characterization or conclusion as to the allegations in paragraph 59.

60. The photographs speak for themselves, but the County of Erie DENIES any characterization or conclusion as to the allegations in paragraph 60.

61. The County of Erie DENIES the allegations in paragraph 61.

62. The County of Erie ADMITS upon information and belief that Detectives Delano and Dove conducted interviews on January 3, 1976, but asserts that the BPD records speak for themselves and DENY any allegation, characterization, or conclusion set forth in paragraph 62.

63. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 63.

64. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 64.

65. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 65.

66. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 66.

67. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 67.

68. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 68.

69. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 69.

70. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 70.

71. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 71.

72. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 72.

73. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 73.

74. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 74.

75. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 75.

76. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 76.

77. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 77.

78. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 78.

79. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 79.

80. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 80.

81. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 81.

82. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 82.

83. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 83.

84. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 84.

85. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 85.

86. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 86.

87. The County of Erie states that reports and/or statements created by the Buffalo Police Department speak for themselves; to the extent a response is required, the County of Erie DENIES any characterizations or conclusions, legal or otherwise, contained in paragraph 87.

88. The County of Erie ADMITS upon information and belief the allegations contained in

paragraph 88.

89. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 89.

90. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 90 and therefore DENIES the allegation.

91. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 91.

92. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 92.

93. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 93.

94. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 94.

95. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 95.

96. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 96.

97. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 97.

98. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 98.

99. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 99.

100. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 100.

101. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 101.

102. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 102.

103. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 103.

104. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 104.

105. The County of Erie ADMITS upon information and belief the allegations contained

in paragraph 105.

106. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 106.

107. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 107.

108. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 108.

109. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 109.

110. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 110.

111. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 111.

112. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 112.

113. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 113.

114. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 114.

115. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 115.

116. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 116.

117. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 117 and therefore DENIES the allegation.

118. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 118.

119. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 119.

120. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 120.

121. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 121.

122. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 122.

123. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 123.

124. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 124.

125. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 125.

126. The County of Erie ADMITS upon information and belief the allegations contained in paragraph 126.

127. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 127.

128. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 128.

129. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 129.

130. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 130.

131. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 131.

132. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 132.

133. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 133.

134. Paragraph 134 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

135. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 135 and therefore DENIES the allegation.

136. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 136 and therefore DENIES the allegation.

137. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 137 and therefore DENIES the allegation.

138. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 138 and therefore DENIES the allegation.

139. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 139.

140. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 140.

141. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 141.

142. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 142.

143. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 143.

144. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 144.

145. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 145.

146. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 146.

147. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 147.

148. Paragraph 148 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

149. Paragraph 149 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

150. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 150.

151. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 151.

152. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 152.

153. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 153.

154. Paragraph 154 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information

sufficient to admit or deny the allegations.

155. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 155 and therefore DENIES the allegation.

156. Paragraph 156 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

157. Paragraph 157 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations. Further, reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 157.

158. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 158.

159. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 159.

160. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 160.

161. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 161.

162. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 162.

163. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 163.

164. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 164.

165. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 165.

166. Paragraph 166 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

167. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 167.

168. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 168.

169. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained

in paragraph 169.

170. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 170.

171. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 171.

172. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 172.

173. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 173.

174. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 174.

175. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 175.

176. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 176.

177. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 177 and therefore DENIES the allegation.

178. Paragraph 178 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

179. Paragraph 179 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

180. Paragraph 180 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

181. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 181.

182. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 182.

183. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 183.

184. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 184.

185. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 185.

186. Paragraph 186 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

187. Paragraph 187 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations. Further, reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 187.

188. Paragraph 188 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

189. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 189.

190. Paragraph 190 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

191. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 191.

192. Paragraph 192 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

193. Paragraph 193 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

194. Paragraph 194 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

195. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 195.

196. Paragraph 196 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

197. Paragraph 197 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

198. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 198.

199. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 199 and therefore DENIES the allegation.

200. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 200 and therefore DENIES the allegation.

201. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 201 and therefore DENIES the allegation.

202. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 202 and therefore DENIES the allegation.

203. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 203 and therefore DENIES the allegation.

204. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 204 and therefore DENIES the allegation.

205. Paragraph 205 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

206. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 206.

207. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 207 and therefore DENIES the allegation.

208. Paragraph 208 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

209. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 209.

210. Paragraph 210 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

211. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 211 and therefore DENIES the allegation.

212. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 212 and therefore DENIES the allegation.

213. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 213 and therefore DENIES the allegation.

214. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 214 and therefore DENIES the allegation.

215. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 215 and therefore DENIES the allegation.

216. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 216 and therefore DENIES the allegation.

217. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 217 and therefore DENIES the allegation.

218. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 218 and therefore DENIES the allegation.

219. Paragraph 219 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations. Further, reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or

legal conclusions contained in paragraph 219.

220. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 220.

221. Paragraph 221 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

222. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 222.

223. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 223 and therefore DENIES the allegation.

224. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 224.

225. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 225.

226. Paragraph 226 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

227. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 227 and therefore DENIES the allegation.

228. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 228 and therefore DENIES the allegation.

229. Paragraph 229 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

230. Paragraph 230 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

231. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 231.

232. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 232.

233. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 233.

234. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 234.

235. Paragraph 235 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information

sufficient to admit or deny the allegations.

236. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 236.

237. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 237 and therefore DENIES the allegation.

238. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 238.

239. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 239.

240. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 240.

241. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 241.

242. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 242.

243. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained

in paragraph 243.

244. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 244.

245. Paragraph 245 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

246. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 246.

247. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 247.

248. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 248.

249. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 249 and therefore DENIES the allegation.

250. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 250 and therefore DENIES the allegation.

251. Paragraph 251 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

252. Paragraph 252 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

253. Paragraph 253 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

254. Paragraph 254 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

255. Paragraph 255 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

256. Paragraph 256 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

257. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 257.

258. Paragraph 258 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

259. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 259 and therefore DENIES the allegation.

260. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 260.

261. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 261.

262. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 262.

263. Paragraph 263 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

264. Paragraph 264 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

265. Paragraph 265 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

266. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 266.

267. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 267 and therefore DENIES the allegation.

268. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 268 and therefore DENIES the allegation.

269. Paragraph 269 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

270. Paragraph 270 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

271. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 271 and therefore DENIES the allegation.

272. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 272.

273. Paragraph 273 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

274. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 274.

275. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 275.

276. Reports and/or statements created by the Buffalo Police Department speak for

themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 276.

277. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 277.

278. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 278.

279. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 279.

280. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 280.

281. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 281 and therefore DENIES the allegation.

282. Paragraph 282 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

283. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 283 and therefore DENIES the allegation.

284. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 284 and therefore DENIES the allegation.

285. Paragraph 285 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

286. The County of Erie ADMITS upon information and belief the allegations in paragraph 286.

287. The County of Erie ADMITS upon information and belief the allegations in paragraph 287.

288. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 288.

289. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 289.

290. Paragraph 290 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 290.

291. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 291.

292. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 292.

293. Paragraph 293 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

294. The County of Erie ADMITS upon information and belief the allegations in paragraph 294.

295. ADMITS the allegation in paragraph 295 that Woodruff was a witness but DENIES characterizations or conclusions.

296. ADMITS the allegations in paragraph 296 that a Court of law determined there was probable cause for prosecution of Plaintiff for the murder of William Crawford but DENIES the remaining allegations.

297. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 297 and therefore DENIES the allegation.

298. Paragraph 298 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

299. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 299.

300. The County of Erie ADMITS the allegations in paragraph 300.

301. The County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 301.

302. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained

in paragraph 302.

303. The County of Erie DENIES the allegations in paragraph 303.

304. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 304.

305. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 305 and therefore DENIES the allegation.

306. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 306 and therefore DENIES the allegation.

307. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 307 and therefore DENIES the allegation.

308. Paragraph 308 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

309. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 309 and therefore DENIES the allegation.

310. The County of Erie ADMITS the allegation in paragraph 310 that Mr. Hough testified in Grand Jury, but DENIES the characterizations in the remaining allegations.

311. The County of Erie ADMITS the allegation in paragraph 311.

312. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 312.

313. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 313.

314. The County of Erie DENIES the allegations in paragraph 314.

315. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 315.

316. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 316.

317. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 317 and therefore DENIES the allegation.

318. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 318.

319. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 319.

320. Paragraph 320 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

321. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 321.

322. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained

in paragraph 322.

323. Paragraph 323 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

324. Paragraph 324 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

325. Paragraph 325 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

326. Paragraph 326 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

327. Paragraph 327 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

328. Paragraph 328 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

329. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 329.

330. Paragraph 330 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

331. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 331.

332. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 332.

333. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 333.

334. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 334.

335. Paragraph 335 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

336. Paragraph 336 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

337. Paragraph 337 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

338. Paragraph 338 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

339. Paragraph 339 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

340. Paragraph 340 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

341. Paragraph 341 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

342. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 342.

343. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 343.

344. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 344.

345. Paragraph 345 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information

sufficient to admit or deny the allegations. Further, reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 345.

346. Paragraph 346 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

347. The County of Erie ADMITS the allegation in paragraph 347 that Mr. Woodruff testified before the grand jury.

348. Reports and/or statements created by the Buffalo Police Department speak for themselves, but the County of Erie DENIES any characterizations or legal conclusions contained in paragraph 348.

349. Paragraph 349 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

350. Paragraph 350 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

351. Paragraph 351 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

352. Paragraph 352 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

353. Paragraph 353 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

354. The County of Erie ADMITS the allegations in paragraph 354.

355. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 355 and therefore DENIES the allegation.

356. The County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 356 and therefore DENIES the allegations.

357. The County ADMITS the allegation in paragraph 357 that the grand jury indicted Plaintiff and co-defendants but DENIES the remainder of the allegations.

358. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 358 and therefore DENIES the allegation.

359. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 359 and therefore DENIES the allegation.

360. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 360 and therefore DENIES the allegation.

361. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 361 and therefore DENIES the allegation.

362. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 362 and therefore DENIES the allegation.

363. ADMITS the allegation in paragraph 363 that Plaintiff was tried for participating in the murder of William Crawford but DENIES remainder of allegations.

364. The County of Erie ADMITS the allegation in paragraph 364.

365. The County of Erie ADMITS upon information and belief the allegations in paragraph 365.

366. The County of Erie DENIES the allegation in paragraph 366.

367. The County of Erie DENIES the allegation in paragraph 367.

368. The County of Erie DENIES the allegation in paragraph 368.

369. The trial transcripts speak for themselves, but the County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 369 and therefore DENIES the allegation.

370. The trial transcripts speak for themselves, but the County of Erie DENIES the allegation in paragraph 370.

371. The trial transcripts speak for themselves, but the County of Erie ADMITS the allegation in paragraph 371.

372. Paragraph 372 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations. The County of Erie denies any characterizations or conclusions contained in the allegation.

373. Paragraph 373 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

374. Paragraph 374 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

375. Paragraph 375 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

376. Paragraph 376 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

377. The trial testimony referenced in paragraph 377 speaks for itself. The County of Erie denies any characterizations or conclusions contained in the allegation.

378. The trial transcripts speak for themselves, but the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 378.

379. The trial transcripts speak for themselves, but the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 379.

380. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 380 and therefore DENIES the allegation.

381. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 381 and therefore DENIES the allegation.

382. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 382 and therefore DENIES the allegation.

383. The County of Erie ADMITS the allegation in paragraph 383.

384. Paragraph 384 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

385. Paragraph 385 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information

sufficient to admit or deny the allegations.

386. Paragraph 386 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

387. The trial testimony referenced in paragraph 387 speaks for itself. The County of Erie denies any characterizations or conclusions contained in the allegation. Further, paragraph 387 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

388. Paragraph 388 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations and therefore DENIES the allegations.

389. Paragraph 389 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations. The County of Erie denies any characterizations or conclusions contained in the allegation.

390. The County of Erie DENIES the allegation in paragraph 390.

391. The County of Erie DENIES the allegation in paragraph 391.

392. The County of Erie DENIES the allegation in paragraph 392.

393. The County of Erie ADMITS the allegation in paragraph 393.

394. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 394 and therefore DENIES the allegation.

395. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 394 and therefore DENIES the allegation.

396. ADMITS the allegation in paragraph 396 regarding sentencing but DENIES the remainder of the allegations.

397. ADMITS upon information and belief the allegation in paragraph 397 that Plaintiff claimed innocence but DENIES any conclusion that he was innocent.

398. The County of Erie ADMITS upon information and belief the allegations in paragraph 398.

399. The County of Erie ADMITS upon information and belief the allegations in paragraph 399.

400. The County of Erie ADMITS that the ECDA opposed the motion, but DENIES the remainder of the allegations in paragraph 400.

401. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 401 and therefore DENIES the allegation.

402. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 402 and therefore DENIES the allegation.

403. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 403 and therefore DENIES the allegation.

404. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 404 and therefore DENIES the allegation.

405. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 405 and therefore DENIES the allegation.

406. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 406 and therefore DENIES the allegation.

407. The County of Erie DENIES the allegation in paragraph 407.

408. The County of Erie DENIES the allegation in paragraph 408.

409. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 409 and therefore DENIES the allegation.

410. The County of Erie DENIES the allegation in paragraph 410.

411. The County of Erie DENIES the allegation in paragraph 411.

412. The County of Erie DENIES the allegation in paragraph 412.

413. The County of Erie DENIES the allegation in paragraph 413.

414. The County of Erie DENIES the allegation in paragraph 414.

415. Paragraph 415 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations and therefore DENIES the allegations in paragraph 415.

416. The County of Erie ADMITS upon information and belief the allegations in paragraph 416.

417. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 417 and therefore DENIES the allegation.

418. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 418 and therefore DENIES the allegation.

419. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 419 and therefore DENIES the allegation.

420. The County of Erie DENIES the allegation in paragraph 420.

421. The County of Erie ADMITS upon information and belief the allegations in paragraph 421.

422. The County of Erie DENIES the allegation in paragraph 422.

423. The County of Erie DENIES the allegation in paragraph 423.

424. The County of Erie DENIES the allegation in paragraph 424.

425. ADMITS the allegation in paragraph 425 that Burns vacated the conviction but DENIES the remaining allegations.

426. Paragraph 426 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

427. ADMITS the allegation that McLeod testified at proceeding. That testimony speaks for itself. The County of Erie DENIES remaining allegations and/or conclusions.

428. ADMITS that was McLeod's testimony, DENIES that was why Martin was acquitted.

429. ADMITS the allegation that McLeod testified at the proceeding. That testimony speaks for itself. The County of Erie DENIES remaining allegations and/or conclusions.

430. The County of Erie DENIES the allegation in paragraph 430.

431. The County of Erie DENIES the allegation in paragraph 431.

432. The County of Erie DENIES the allegation in paragraph 432.

433. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 432.

434. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 434 and therefore DENIES the allegation.

435. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 435 and therefore DENIES the allegation.

436. The County of Erie DENIES the allegation in paragraph 436.

437. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 436.

438. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 438 and therefore DENIES the allegation.

439. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 439 and therefore DENIES the allegation.

440. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 440 and therefore DENIES the allegation.

441. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 441 and therefore DENIES the allegation.

442. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 441.

443. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 443 and therefore DENIES the allegation.

444. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 444 and therefore DENIES the allegation.

445. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 445 and therefore DENIES the allegation.

446. The County of Erie DENIES the allegation in paragraph 446.

447. The County of Erie DENIES the allegation in paragraph 447.

448. The County of Erie DENIES the allegation in paragraph 448.

449. The County of Erie DENIES the allegation in paragraph 449.

450. The County of Erie repeats and realleges its responses to the allegation of paragraphs

1 through 449.

451. Paragraph 451 requires no response as it purports to set forth procedural matters of law.

452. Paragraph 452 requires no response as it purports to set forth procedural matters of law.

453. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 453 and therefore DENIES the allegation.

454. The County of Erie DENIES the allegation in paragraph 454.

455. The County of Erie DENIES the allegation in paragraph 455.

456. The County of Erie DENIES the allegation in paragraph 456.

457. The County of Erie DENIES the allegation in paragraph 457.

458. The County of Erie DENIES the allegation in paragraph 458.

459. The County of Erie DENIES the allegation in paragraph 459.

460. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 459.

461. Paragraph 461 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

462. Paragraph 462 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

463. Paragraph 463 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

464. The County of Erie DENIES the allegation in paragraph 464.

465. The County of Erie DENIES the allegation in paragraph 465.

466. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 465.

467. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 467 and therefore DENIES the allegation.

468. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 468 and therefore DENIES the allegation.

469. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 469 and therefore DENIES the allegation.

470. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 470 and therefore DENIES the allegation.

471. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 471 and therefore DENIES the allegation.

472. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 472 and therefore DENIES the allegation.

473. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 473 and therefore DENIES the allegation.

474. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 474 and therefore DENIES the allegation.

475. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 475 and therefore DENIES the allegation.

476. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 476 and therefore DENIES the allegation.

477. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 477 and therefore DENIES the allegation.

478. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 478 and therefore DENIES the allegation.

479. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 479 and therefore DENIES the allegation.

480. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 480 and therefore DENIES the allegation.

481. Paragraph 481 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

482. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 482 and therefore DENIES the allegation.

483. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 483 and therefore DENIES the allegation.

484. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 484 and therefore DENIES the allegation.

485. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 485 and therefore DENIES the allegation.

486. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 486 and therefore DENIES the allegation.

487. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 487 and therefore DENIES the allegation.

488. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 488 and therefore DENIES the allegation.

489. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 489 and therefore DENIES the allegation.

490. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 490 and therefore DENIES the allegation.

491. Paragraph 491 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

492. Paragraph 492 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

493. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 493 and therefore DENIES the allegation.

494. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 494 and therefore DENIES the allegation.

495. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 494.

496. Paragraph 496 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

497. ADMITS so much of the allegation that the District Attorney is an elected official. The remainder of the allegations are too vague to be accurately responded to and therefore are DENIED.

498. The County of Erie DENIES the allegations in paragraph 498.

499. The County of Erie DENIES the allegations in paragraph 499.

500. The County of Erie DENIES the allegations in paragraph 500.

501. The County of Erie DENIES the allegations in paragraph 501.

502. Paragraph 502 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

503. Paragraph 503 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

504. The County of Erie DENIES the allegations in paragraph 504.

505. The County of Erie DENIES the allegations in paragraph 505.

506. Paragraph 506 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

507. Paragraph 507 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

508. Paragraph 508 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

509. Paragraph 509 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

510. Paragraph 510 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

511. Paragraph 511 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

512. Paragraph 512 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

513. Paragraph 513 contains legal conclusions or opinions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation. Paragraph 513 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

514. Paragraph 514 contains legal conclusions or opinions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation. Paragraph 514 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

515. Paragraph 515 contains legal conclusions or opinions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation. Paragraph 515 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

516. Paragraph 516 contains legal conclusions or opinions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

517. Paragraph 517 contains legal conclusions or opinions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

518. The County of Erie DENIES the allegation in paragraph 518.

519. The County of Erie DENIES the allegation in paragraph 519.

520. The County of Erie DENIES the allegation in paragraph 520.

521. Paragraph 521 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

522. The County of Erie DENIES the allegation in paragraph 522.

523. The County of Erie DENIES the allegation in paragraph 523.

524. The County of Erie DENIES the allegation in paragraph 524.

525. The County of Erie DENIES the allegation in paragraph 525.

526. Paragraph 526 contains legal conclusions or opinions to which no response is required.

To the extent a response is required, The County of Erie DENIES the allegation. Paragraph 526 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

527. The County of Erie DENIES the allegation in paragraph 527.

528. The County of Erie DENIES the allegation in paragraph 528.

529. The County of Erie DENIES the allegation in paragraph 529.

530. The County of Erie DENIES the allegation in paragraph 530.

531. The County of Erie DENIES the allegation in paragraph 531.

532. The County of Erie DENIES the allegation in paragraph 532.

533. The County of Erie DENIES the allegation in paragraph 533.

534. The County of Erie DENIES the allegation in paragraph 534.

535. The County of Erie DENIES the allegation in paragraph 535.

536. The County of Erie DENIES the allegation in paragraph 536.

537. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 537 and therefore DENIES the allegation.

538. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 538 and therefore DENIES the allegation.

539. The County of Erie DENIES the allegation in paragraph 539.

540. Paragraph 540 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

541. Paragraph 541 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

542. Paragraph 542 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

543. The County of Erie DENIES the allegation in paragraph 543.

544. The County of Erie DENIES the allegation in paragraph 544.

545. Paragraph 545 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

546. Paragraph 546 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

547. Paragraph 547 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation. 548. Paragraph 548 contains legal conclusions to which no response is required.

549. Paragraph 549 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

550. Paragraph 550 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

551. Paragraph 551 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

552. The County of Erie DENIES the allegation in paragraph 552.

553. The County of Erie DENIES the allegation in paragraph 553.

554. Paragraph 554 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

555. Paragraph 555 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

556. Paragraph 556 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

557. Paragraph 557 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

558. Paragraph 558 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

559. Paragraph 559 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

560. Paragraph 560 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

561. Paragraph 561 contains legal conclusions to which no response is required. To the extent a response is required, The County of Erie DENIES the allegation.

562. The County of Erie DENIES the allegation in paragraph 562.

563. The County of Erie DENIES the allegation in paragraph 563.

564. The County of Erie DENIES the allegation in paragraph 564.

565. The County of Erie DENIES the allegation in paragraph 565.

566. The County of Erie DENIES the allegation in paragraph 566.

567. The County of Erie DENIES the allegation in paragraph 567.

568. The County of Erie DENIES the allegation in paragraph 568.

569. The County of Erie DENIES the allegation in paragraph 569.

570. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 570 and therefore DENIES the allegation.

571. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 571 and therefore DENIES the allegation.

572. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 572 and therefore DENIES the allegation.

573. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 573 and therefore DENIES the allegation.

574. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 574 and therefore DENIES the allegation.

575. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 575 and therefore DENIES the allegation.

576. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 576 and therefore DENIES the allegation.

577. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 577 and therefore DENIES the allegation.

578. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 578 and therefore DENIES the allegation.

579. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 579 and therefore DENIES the allegation.

580. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 580 and therefore DENIES the allegation.

581. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 581 and therefore DENIES the allegation.

582. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 582 and therefore DENIES the allegation.

583. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 583 and therefore DENIES the allegation.

584. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 584 and therefore DENIES the allegation.

585. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 585 and therefore DENIES the allegation.

586. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 586 and therefore DENIES the allegation.

587. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 587 and therefore DENIES the allegation.

588. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 588 and therefore DENIES the allegation.

589. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 589 and therefore DENIES the allegation.

590. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 590 and therefore DENIES the allegation.

591. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 591 and therefore DENIES the allegation.

592. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 592 and therefore DENIES the allegation.

593. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 593 and therefore DENIES the allegation.

594. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 594 and therefore DENIES the allegation.

595. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 595 and therefore DENIES the allegation.

596. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 596 and therefore DENIES the allegation.

597. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 597 and therefore DENIES the allegation.

598. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 598 and therefore DENIES the allegation.

599. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 599 and therefore DENIES the allegation.

600. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 600 and therefore DENIES the allegation.

601. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 601 and therefore DENIES the allegation.

602. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 602 and therefore DENIES the allegation.

603. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 603 and therefore DENIES the allegation.

604. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 604 and therefore DENIES the allegation.

605. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 605 and therefore DENIES the allegation.

606. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 606 and therefore DENIES the allegation.

607. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 607 and therefore DENIES the allegation.

608. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 608 and therefore DENIES the allegation.

609. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 609 and therefore DENIES the allegation.

610. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 610 and therefore DENIES the allegation.

611. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 611 and therefore DENIES the allegation.

612. The County of Erie lacks knowledge or information sufficient to admit or deny the

allegation in paragraph 612 and therefore DENIES the allegation.

613. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 613 and therefore DENIES the allegation.

614. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 614 and therefore DENIES the allegation.

615. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 615 and therefore DENIES the allegation.

616. The County of Erie DENIES the allegation in paragraph 616.

617. The County of Erie ADMITS upon information and belief the allegations in paragraph 617.

618. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 618 and therefore DENIES the allegation.

619. The County of Erie ADMITS the allegation in paragraph 619.

620. Paragraph 620 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

621. The County of Erie DENIES the allegation in paragraph 621.

622. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 622 and therefore DENIES the allegation.

623. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 623 and therefore DENIES the allegation.

624. Paragraph 624 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information

sufficient to admit or deny the allegations.

625. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 625 and therefore DENIES the allegation.

626. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 626 and therefore DENIES the allegation.

627. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 627 and therefore DENIES the allegation.

628. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 628 and therefore DENIES the allegation.

629. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 629 and therefore DENIES the allegation. Paragraph 629 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

630. Paragraph 630 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

631. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 631 and therefore DENIES the allegation.

632. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 632 and therefore DENIES the allegation.

633. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 633 and therefore DENIES the allegation.

634. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 634 and therefore DENIES the allegation.

635. The County of Erie DENIES the allegations in paragraph 635.

636. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 636 and therefore DENIES the allegation.

637. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 637 and therefore DENIES the allegation.

638. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 638 and therefore DENIES the allegation.

639. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 639 and therefore DENIES the allegation.

640. The County of Erie ADMITS upon information and belief the allegations in paragraph 640.

641. The County of Erie ADMITS the allegation that Drury handled the trial and DENIES the remaining allegations in paragraph 641.

642. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 642 and therefore DENIES the allegation.

643. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 643 and therefore DENIES the allegation.

644. The County of Erie DENIES the allegation in paragraph 644.

645. The County of Erie DENIES the allegation in paragraph 645.

646. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 646 and therefore DENIES the allegation.

647. Paragraph 647 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

648. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 648 and therefore DENIES the allegation.

649. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 649 and therefore DENIES the allegation.

650. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 650 and therefore DENIES the allegation.

651. The County of Erie is unable to respond to the allegations in paragraph 651 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 651.

652. The County of Erie is unable to respond to the allegations in paragraph 652 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies any characterizations or conclusions contained in the allegation.

653. The County of Erie is unable to respond to the allegations in paragraph 653 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies any characterizations or conclusions contained in the allegation.

654. The County of Erie is unable to respond to the allegations in paragraph 654 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies any characterizations or conclusions contained in the allegation.

655. The County of Erie is unable to respond to the allegations in paragraph 655 as it is

contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies any characterizations or conclusions contained in the allegation.

656. The County of Erie is unable to respond to the allegations in paragraph 656 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 656.

657. The County of Erie is unable to respond to the allegations in paragraph 657 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 657.

658. The County of Erie is unable to respond to the allegations in paragraph 658 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies any characterizations or conclusions contained in the allegation.

659. The County of Erie is unable to respond to the allegations in paragraph 659 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 659.

660. The County of Erie is unable to respond to the allegations in paragraph 660 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 660.

661. The County of Erie is unable to respond to the allegations in paragraph 661 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is

required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 661.

662. The County of Erie is unable to respond to the allegations in paragraph 662 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 662.

663. The County of Erie is unable to respond to the allegations in paragraph 663 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 663.

664. The County of Erie is unable to respond to the allegations in paragraph 664 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 664.

665. The County of Erie is unable to respond to the allegations in paragraph 665 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 665.

666. The County of Erie is unable to respond to the allegations in paragraph 666 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 666.

667. Paragraph 667 contains legal conclusions or opinions and therefore does not require

a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

668. Paragraph 668 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

669. The County of Erie is unable to respond to the allegations in paragraph 669 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 669.

670. The County of Erie is unable to respond to the allegations in paragraph 670 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 670.

671. The County of Erie is unable to respond to the allegations in paragraph 671 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie denies the characterization as stated in the allegation.

672. The County of Erie DENIES the allegations in paragraph 672.

673. The County of Erie is unable to respond to the allegations in paragraph 673 as it is contained in the Walker complaint but refers to the Boyd prosecution. To the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations in paragraph 673.

674. The County of Erie ADMITS the allegation in paragraph 674.

675. The County of Erie DENIES the allegations in paragraph 675.

676. The County of Erie DENIES the allegations in paragraph 676.

677. The County of Erie DENIES the allegations in paragraph 677.

678. The County of Erie DENIES the allegations in paragraph 678.

679. Paragraph 679 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

680. Paragraph 680 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

681. Paragraph 681 contains legal conclusions or opinions and therefore does not require a response, to the extent a response is required the County of Erie lacks knowledge or information sufficient to admit or deny the allegations.

682. The County of Erie DENIES the allegations in paragraph 682.

683. The County of Erie ADMITS upon information and belief the allegations in paragraph 683.

684. The County of Erie ADMITS upon information and belief the allegations in paragraph 684.

685. The County of Erie ADMITS upon information and belief the allegations in paragraph 685.

686. The County of Erie ADMITS upon information and belief the allegations in paragraph 686.

687. The County of Erie DENIES the allegations in paragraph 687.

688. The County of Erie DENIES the allegations in paragraph 688.

689. ADMITS the allegation in paragraph 689 that Mr. Martin was acquitted but DENIES the remaining allegations.

690. The County of Erie DENIES the allegations in paragraph 690.

691. The County of Erie DENIES the allegations in paragraph 691.

692. The County of Erie DENIES the allegations in paragraph 692.

693. The County of Erie DENIES the allegations in paragraph 693.

694. The County of Erie DENIES the allegations in paragraph 694.

695. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 694.

696. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 696 and therefore DENIES the allegation.

697. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 696.

698. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 698 and therefore DENIES the allegation.

699. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 699 and therefore DENIES the allegation.

700. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 700 and therefore DENIES the allegation.

701. The County of Erie lacks knowledge or information sufficient to admit or deny the allegation in paragraph 701 and therefore DENIES the allegation.

702. The County of Erie repeats and realleges its responses to the allegation of paragraphs 1 through 701.

703. The County of Erie DENIES the allegations in paragraph 703.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

1. The Plaintiff's action is barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

2. The Defendant is protected by the doctrine of absolute immunity.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

3. The Defendant is protected by the doctrine of qualified immunity.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

4. The Defendant is protected by the doctrine of sovereign immunity and the eleventh amendment to the United States Constitution.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

5. The Plaintiff's action is barred, in whole or in part, by reason of collateral estoppel.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

6. The Plaintiff's action is barred, in whole or in part, by reason of res judicata.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

7. The Plaintiff's action is barred, in whole or in part, by reason of judicial estoppel.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

8. The Plaintiff's action is barred, in whole or in part, as the criminal prosecution did not result in a favorable termination as is required to sustain a cause of action for malicious prosecution.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

9. The damages alleged in the complaint were caused, in whole or in part, by the culpable conduct of the Plaintiff.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

10. By reason of the foregoing, the Plaintiff's complaint fails to state a cause of action upon which relief can be granted.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE

11. Under relevant state and federal law, punitive damages cannot be awarded against certain municipal defendants.

AS AND FOR A TWELVETH AFFIRMATIVE DEFENSE

12. Any damages complained of were caused by the culpable conduct of others over whom the County exercised no control and for whom the County bears no responsibility.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

13. Any award for Plaintiff must be reduced by the amount he has received or will receive from collateral sources.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

14. Upon information and belief, Plaintiff's Complaint is barred, in whole or in part for failure to comply with Article 4 of the General Municipal Law.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

15. Plaintiff's Complaint is barred, in whole or in part, on the grounds that the actions of the County did not violate any of Plaintiff's constitutional rights.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

16. Plaintiff's Complaint is barred, in whole or in part, on the grounds that the actions

of the County were without malice, prejudice or bias and were objectively reasonable under the totality of the circumstances.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

17. Upon information and belief, Plaintiff's Complaint is barred, in whole or in part, upon the grounds of any sovereign, governmental, or qualified immunity available to municipalities and their employees including but not limited to governmental immunity for alleged errors of judgment in discretionary decisions and absolute immunity for witness testimony provided at criminal proceedings.

AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE

18. Defendant asserts that it intends to rely upon such other defenses as may be available or apparent during discovery proceedings in this case and hereby reserves its right to amend its Answer to said defenses.

AS FOR A NINETEENTH AFFIRMATIVE DEFENSE

19. The Plaintiff has failed to file a timely notice of claim and therefore their claims against the Defendant are time barred.

AS FOR A TWENTIETH AFFIRMATIVE DEFENSE

20. Upon information and belief, the detention, arrest, seizure, search, identification of, and/or prosecution of Plaintiff, if any such detention, arrest, seizure, search, identification of, and/or prosecution occurred, was based on probable cause.

AS FO A TWENTY-FIRST AFFIRMATIVE DEFENSE

21. Some or all of Plaintiff's rights allegedly violated by the County of Erie were not clearly established during the time period relevant to this dispute, nor was it clearly established that any of Defendants alleged misconduct would violate Plaintiff's constitutional rights.

AS FOR A TWENTY-SECOND AFFIRMATIVE DEFENSE

22. Plaintiff's claims are barred, in whole or in part, by his failure to name and/or join and indispensable party.

AS FOR A TWENTY-THIRD AFFIRMATIVE DEFENSE

23. No special relationship existed between the Plaintiff and the County of Erie that would create a special duty or care to protect Plaintiff.

AS FOR A TWENTY-FOURTH AFFIRMATIVE DEFENSE

24. At no time did members of the Erie County District Attorney's office act in an investigatory capacity, rather they relied on the materials and information provided by the Buffalo Police Department.

AS FOR A TWENTY-FIFTH AFFIRMATIVE DEFENSE

25. No County of Erie agents or employees coerced any witnesses who testified in any underlying criminal proceedings against Plaintiff.

AS FOR A TWENTY-SIXTH AFFIRMATIVE DEFENSE

26. Plaintiff cannot show that one or more of County of Erie agents or employees had the requisite actual or constructive notice to be held liable.

AS FOR A TWENTY-SEVENTH AFFIRMATIVE DEFENSE

27. Plaintiff cannot overcome the presumption of probable cause created by the grand jury's decision to indict Plaintiff.

**AS AND FOR A CROSS-CLAIM AGAINST CO-DEFENDANTS
CITY OF BUFFALO, MICHAEL G. GUADAGNO, JOHN MONTONDO, LINDA
J. FIAL AS EXECUTOR FOR THE ESTATE OF ROBERT GRABOWSKI,
MARTIN BULLOCK AS EXECUTOR FOR THE ESTATE OF JAMES E.
HUNTER, JENNIFER G. FLANNERY AS ADMINISTRATOR FOR THE
ESTATE OF ROBERT F. ARNET, JENNIFER G. FLANNERY AS
ADMINISTRATOR FOR THE ESTATE OF FRANK C. DEUBELL, JENNIFER
FLANNERY AS ADMINISTRATOR FOR THE ESTATE OF LEO J. DONOVAN,**

**JENNIFER G. FLANNERY AS ADMINISTRATOR FOR THE ESTATE OF
FRANCIS M. MANISTA, JR., AND DAWN M. DIRIENZO AS EXECUTOR FOR
THE ESTATE OF PAUL R. DELANO**

28. Although the County is not aware of any culpable conduct on the part of the co-defendants, any injuries or damages sustained by the Plaintiff as alleged in the Complaint, if not caused by reason of the negligence, carelessness, illegal, reckless, and/or other culpable conduct of the Plaintiff, were caused or contributed to by the negligence, wrongful, carelessness and/or other culpable conduct of the co-defendants, the City of Buffalo, and its agents, servants and employees, and Michael G. Guadagno, John Montondo, Linda J. Fial as Executor for the Estate of Robert Grabowski, Martin Bullock as Executor for the Estate of James E. Hunter, Jennifer G. Flannery as Administrator for the Estate of Robert F. Arnet, Jennifer G. Flannery as Administrator for the Estate of Frank C. Deubell, Jennifer Flannery as Administrator for the Estate of Leo J. Donovan, Jennifer G. Flannery as Administrator for the Estate of Francis M. Manista, Jr., and Dawn M. Dirienzo as Executor for the Estate of Paul R. Delano.

29. Therefore, the County will be entitled to indemnification by and judgment against the above referenced co-defendants.

WHEREFORE, The Defendant, COUNTY OF ERIE demands judgment as follows:

- a) Dismissing the Complaint herein together with the costs and disbursements of this action, an award of attorneys' fees pursuant to Fed. R. Civ. P. 54 and 42 U.S.C. §1988;
 - b) Directing that the Plaintiff's damages, in the event the Plaintiff is entitled to recover, be diminished by the proportion which the culpable conduct of the Plaintiff bears to the culpable conduct which caused or contributed to said damages;
 - c) Awarding contribution and/or indemnification to the County from co-defendants;
- and

d) Granting such other and further relief in favor of Defendant, COUNTY OF ERIE
as the Court deems just and proper, together with the costs and disbursements of this action.

Dated: March 30, 2023
Buffalo, New York

Respectfully submitted,

LIPPES MATHIAS LLP

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